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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/995,056

11/26/2001

Robert F. Cruickshank III

FSP0163

9528

7590 07/10/2008
Attn: Charles A Mirho
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EXAMINER

PATEL, DHAIRYA A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT F. CRUICKSHANK III, ET AL.

Application No. 09/995,056
Date Mailed: July 9, 2008

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on March 28, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Appellants filed an amendment on February 21, 2006. In response to the amendment, a Final Rejection was filed on May 19, 2006, which states on page 2 that:

1. This action is responsive to communication filed on 2/21/2006.
2. Claims 4, 8, 21, 24-32, 36, 40, 53 and 56-66 are cancelled. Claims 67-85 are newly added claims.

A review of the file indicates that Claims Appendix to the Appeal Brief filed On May 16, 2007 is not consistent with the Amendment filed on February 21, 2006. Specifically, claims 4 and 36 are not shown as cancelled in the Claims Appendix. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is being electronically returned to the Examiner:

- 1) to hold the Appeal Brief filed May 16, 2007, defective;
- 2) notify appellants to file a Supplemental Appeal Brief with a correct copy of claims for the Claims Appendix;
- 3) consider the Supplemental Appeal Brief and if the Supplemental Appeal Brief is in compliance, issue and mail a Form PTOL-90 acknowledging receipt and consideration of the Supplement Brief; and
- 4) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

/Krista Zele/

Krista Zele

Deputy Chief Appeals Administrator
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Application No.09/995,056

KZ/gjh

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